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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,345	11/14/2003	Okame Shire Sanders		4062

7590 06/13/2006

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EXAMINER
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DOAN, ROBYN KIEU

ART UNIT	PAPER NUMBER
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3732

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/714,345

**Applicant(s)**

SANDERS, OKAME SHIRE

**Examiner**

Robyn Doan

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/14/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Objections***

Claim 11 is objected to because of the following informalities: "contigent" should be changed to --contingent--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 1-24 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6-7, 9-10 and 13-24 are indefinite because it is unclear to which claim that claim 6, 7, 9, 10, etc., depends on. A dependent claim can only depend to one claim.

Claims 1-14 are indefinite because in claims 1, 6-7, 11, 12, 13, 14, there exist an inconsistency in the claims thus making this scope unclear. Claim 1 recites an apparatus with supplemental hair being only functionally recited, i.e. "for applying supplemental hair" and thus indicating that the claims are directed to the subcombination, a hair clip. However, claim 6 positively recites supplemental hair

strands, thus indicating that the combination of the supplemental hair and the hair fastener is being claimed. As such, it is unclear whether applicant intended the claims to be directed to the subcombination, the hair clip, or the combination, the supplemental hair strands and the clip. Applicant is hereby required to indicate whether the claims are intended to be drawn to the subcombination only or the combination and amend the claims to make the language thereof consistent with this intent. For examination purposes, the claims will be considered as drawn to the combination of the supplemental hair strands and the clip.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meister (U.S. Pat. # 5,121,761) in view of Valentine (U.S. Pat. # 2,160,346).

With regard to claims 1 and 5, Meister discloses an apparatus for applying supplemental hair to the scalp of the wearer (fig. 8) comprising a hair clip (55) and supplemental hair strands (11) contain within clamp arms of the clip (fig. 8). Meister does not disclose the clip having two grip handles, two clamp arms and a clamp operable to open and close the apparatus, however, Valentine discloses a hair clip (fig.

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1) comprising two grip handles (2), two clamp arms (1) and a clamp (1) being operable to open and close the apparatus. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the particular clip as taught by Valentine into the technique of attaching the supplemental hair of Meister in order to provide an easy way to hold the clip by providing gripping handles. In regard to claim 3, Valentine shows each grip handle being utilized to hold and manipulate the clip in position (fig. 3). In regard to claim 4, Valentine shows the clamp arms (1) being mechanically attached via spring (5). In regard to claims 6-7, Meister shows the supplemental hair strands inherently being positioned flat and parallel to each other with clamp arms (1, fig. 8). In regard to claim 9, Valentine shows the clamps having a rivet (pin 4, fig. 1). In regard to claim 10, Valentine discloses the clip also having a spring (5). In regard to claim 11, Meister shows the amount of supplemental hair strands inherently being contingent upon the size of the clip. In regard to claim 12, Meister shows the plurality of supplemental hair strands having a first end (at 15, fig. 7) and a second end (at opposite to 15). In regard to claims 13 and 14, Meister does not disclose the first end of the plurality of supplemental hair strands being creased, however, it would have been an obvious matter of design choice to crease one end of the supplemental hair strands since such a modification would involve a mere change in the design shape of the supplemental hair strands.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meister in view of Valentine as applied to claim 1 above, and further in view of Chou (U.S. Pat. # 5,758,672).

With regard to claim 2, Meister in view of Valentine disclose an apparatus for attaching supplemental hair comprising all the claimed limitations in claim 1 as discussed above except for each of the grip handle having a non-slip surface. Chou discloses a hair clip (fig. 1) comprising two gripping handles (12, 22) and a non-slip surface (122) being provided on the upper surface of one handle (12). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the non-slip surface as taught by Chou into the handle of Meister in view of Valentine in order to provide a better gripping effect to the handle. And it would also have been obvious to one having an ordinary skill in the art at the time the invention was made to construct both gripping arms with non-slip surface, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meister in view of Valentine as applied to claim 1 above, and further in view of Furukawa (U.S. Pat. # 5,699,815).

With regard to claim 8, Meister in view of Valentine disclose an apparatus for attaching supplemental hair comprising all the claimed limitations in claim 1 as discussed above except for the clamps being flexible. Furukawa discloses a hair clip (fig. 1) comprising two clamps (1, 2) being flexible (col. 2, lines 56-60). It would have

been obvious to one having an ordinary skill in the art at the time the invention was made to construct the flexible material for the clamps as taught by Furukawa into the device of Meister in view of Valentine in order to conform the contour of the user's head.

Claims 15, 18 and 21, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meister in view of Levin (U.S. Pat. # 4,176,669).

With regard to claims 15, 18 and 21, Meister discloses a method for attaching hair extensions, concealing hair loss or thickening the wearer's hair (fig. 8) comprising steps of determining the final hairstyle (col. 6, lines 24-25), parting natural hair (col. 6, lines 26-27), exposing the scalp of the wearer (fig. 8 at 29), attaching supplemental hair (11) to the scalp of the wearer (fig. 8) by sewing the extension of the supplemental hair to the clumps of natural hair. Meister shows clip (55) being used to couple the supplemental hair (11) to the scalp (fig. 8), therefore Meister inherently shows the step of releasing the supplemental hair by pinching the clamping arms with the thumb and forefinger after coupling the supplemental hair to the scalp of the wearer. Meister also discloses the step of repeating the procedure until finished the whole head of the wearer (col. 4, lines 64-66). Meister does not disclose the step of applying adhesive on the exposed scalp and placing the supplemental hair on the applied adhesive and allowing adhesive to dry. Levin discloses a method of attaching supplemental hair or concealing hair loss (fig. 1) comprising the step of applying adhesive to an exposed scalp of the wearer (col. 4, lines 17-18), allowing the adhesive to dry (col. 4, lines 22-23) and placing the supplemental hair (hairpiece) on the applied adhesive (col. 4, lines 44-45). It would

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have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the technique of using adhesive to attach supplemental hair to the scalp of the wearer as taught by Levin into the method of attaching supplemental hair of Meister as an alternative way of attaching supplemental hair to the wearer's scalp. In regard to claim 24, Meister in view of Levin fail to show the step of balancing entire supplemental hair application so that hair density is even throughout the wearer's head, however, it would have been a matter of design choice to one in an ordinary skill in the art at the time the invention was made to balance entire supplemental hair application so that hair density is even throughout the wearer's head since such step is well known in the art.

Claims 16-17, 19-20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meister in view of Levin as applied to claims 15, 18 and 21 above, and further in view of Megna (U.S. Pat. # 4,934,387).

With respect to claims 16-17, 19-20 and 22-23, Meister in view of Levin discloses a method for attaching hair extensions, concealing hair loss or thickening the wearer's hair (fig. 8) comprising all the claimed limitations in claimed 15, 18 and 21 as discussed above except for the steps of shampooing and drying natural hair prior to the step of determining final hairstyling. Megna discloses a method of lengthening the hair comprising the steps of shampooing and drying natural hair prior to the step of determining final hairstyling (col. 3, lines 41-46). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the

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steps of shampooing and drying natural hair prior to the step of determining final hairstyling as taught by Megna into the method of attaching supplemental hair of Meister in view of Levin in order to provide a better bonding to the supplemental hair.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Townsend, Nelson, Finamore et al are cited to show the state of the art with respect to a method of attaching supplemental hair.

The drawings filed 11/14/03 have been approved by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Robyn', with a long horizontal flourish extending to the right.

Robyn Doan  
Examiner  
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